

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**MITCHELL ROSENTHAL and
DANKER, LLC,**

Plaintiff,

v.

**SCOTT LANDOW and
DILLON & GERARDI, APC,**

Defendants.

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Civil Action No. **3:10-CV-174-L**

MEMORANDUM OPINION AND ORDER


On January 29, 2010, Defendant Dillion & Gerardi, APC (“D & G”) removed this action to federal court, contending that complete diversity of citizenship exists between the parties and that the amount in controversy, exclusive of interest and costs, exceeds \$75,000. D & G contends in its notice of removal that “Plaintiff Danker, LLC, is a Nevada limited liability company with its principal place of business in Dallas, Dallas County, Texas.” Notice of Removal ¶ 3.

Diversity exists between the parties only if each plaintiff has a different citizenship from each defendant and the matter in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332; *Getty Oil Corp. v. Insurance Co. of North America*, 841 F.2d 1254, 1258 (5th Cir. 1988). Otherwise stated, 28 U.S.C. § 1332 requires complete diversity of citizenship; that is, a district court cannot exercise jurisdiction if any plaintiff shares the same citizenship as any defendant. *See Corfield v. Dallas Glen Hills LP*, 355 F.3d 853, 857 (5th Cir. 2003) (citing *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806)), *cert. denied*, 541 U.S. 1073 (2004).

The citizenship of a limited liability company “is determined by the citizenship of all of its members.” *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). The court is unable to determine whether complete diversity exists between the parties because it has no

information regarding the citizenship of each member of Danker, LLC. Accordingly, D & G must provide to the court by **February 25, 2010**, the name of each member of Danker, LLC, and the citizenship of each member. If this information is not received by this date, the court will remand this action for lack of subject matter jurisdiction to the 134th Judicial District Court, Dallas County, Texas.

It is so ordered this 4th day of February, 2010.


Sam A. Lindsay
United States District Judge